

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

THOMAS GEBKA, Individually and on)	
behalf of all others similarly situated,)	
)	
Plaintiff,)	Case No. 1:19-cv-06662
)	
v.)	Hon. Sharon J. Coleman
)	
ALLSTATE INSURANCE COMPANY,)	Mag. Jeffrey I. Cummings
a Delaware limited liability company,)	
)	
Defendant.)	

**PLAINTIFF’S UNOPPOSED MOTION FOR LEAVE TO FILE
INSTANTER MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION
SETTLEMENT AND SUPPORTING MEMORANDUM IN EXCESS OF 15 PAGES**

Plaintiff Thomas Gebka (“Plaintiff”), pursuant to Local Rule 7.1 and this Court’s standing order, respectfully requests that the Court grant him leave to file *instanter* his thirty-page Unopposed Motion for Preliminary Approval of Class Action Settlement and Supporting Memorandum (ECF No. 129). In support of this Motion, Plaintiff states as follows:

1. This is a class action alleging that Defendant Allstate Insurance Company (“Allstate”) violated the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227(c), and the TCPA implementing regulations, 47 C.F.R. § 64.1200(c)(2), in connection with telemarketing calls that were placed, without prior express written invitation or permission, to persons whose telephone numbers were registered on the national Do-Not-Call Registry.

2. The Parties reached a class settlement in principle during a mediation on February 10, 2022. *See* ECF No. 127 (Joint Status Report regarding mediation).

3. The settlement agreement was signed on April 9, 2022, and Plaintiff has now asked the Court to certify the settlement class, preliminarily approve the settlement, approve the notice

plan, and set a final approval hearing. *See* ECF No. 129 (hereinafter, the “Motion for Preliminary Approval”).

4. In the Motion for Preliminary Approval, it was necessary to address the background of the litigation and the details of the proposed settlement, as well as to explain the reasons the settlement warrants preliminary approval, how the settlement class satisfies the requirements for class certification, and why the proposed notice plan is constitutionally sound.

5. Given the numerous issues to be addressed—and, particularly in light of the fact that several of the necessary analyses could each easily consume an entire fifteen-page brief on their own—Plaintiff requires an additional fifteen pages (for a total of 30 pages) to establish that the settlement warrants preliminary approval, the settlement class satisfies the requirements for class certification, and the proposed notice plan is constitutionally sound.

6. The undersigned has conferred with counsel for Allstate, who does not oppose the relief sought by this Motion.

WHEREFORE, Plaintiff respectfully requests that the Court enter an Order granting him leave to file *instanter* his thirty-page Unopposed Motion for Preliminary Approval of Class Action Settlement and Supporting Memorandum (ECF No. 129) and awarding any further relief the Court deems necessary and proper.

Dated: April 19, 2022

Respectfully Submitted,

THOMAS GEBKA, individually and on behalf of all
others similarly situated, Plaintiffs

By: /s/ Theodore H. Kuyper

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CERTIFICATE OF SERVICE

I hereby certify that, on April 19, 2022, I caused a copy of the foregoing ***Plaintiff's Unopposed Motion for Leave to File Instant Motion for Preliminary Approval of Class Action Settlement and Supporting Memorandum in Excess of 15 pages*** to be served upon all counsel of record via electronic filing using the CM/ECF system.

/s/ Theodore H. Kuyper